

Exhibit 11

ESTTA Tracking number: **ESTTA1267969**Filing date: **02/23/2023**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**Notice of Opposition**

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer information

Name	FORMA AI INC.		
Entity	Corporation	Citizenship	CANADA
Address	82 PETER STREET, SUITE 300 TORONTO, ONTARIO, M5V2G5 CANADA		
Attorney information	ANGELA P. DOUGHTY POST OFFICE BOX 33009 751 CORPORATE CENTER DRIVE, SUITE 300 RALEIGH, NC 27636-3009 UNITED STATES Primary email: trademarks@wardandsmith.com Secondary email(s): apd@wardandsmith.com, ebrogers@wardandsmith.com 919-277-9100		
Docket no.	220428-00006		

Applicant information

Application no.	97268559	Publication date	01/24/2023
Opposition filing date	02/23/2023	Opposition period ends	02/23/2023
Applicant	Twic, Inc. 47000 WARM SPRINGS BLVD, STE 1-170 FREMONT, CA 94539 UNITED STATES		

Goods/services affected by opposition

Class 042. First Use: None First Use In Commerce: None
All goods and services in the class are opposed, namely: Software as a service (SAAS) services featuring computer software platforms for human resource professionals to offer personalized employee benefits, healthcare benefits, insurance benefits and lifestyle benefits to employees

Grounds for opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
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Marks cited by opposer as basis for opposition

U.S. application no.	97342791	Application date	04/01/2022
Registration date	NONE	Foreign priority date	NONE

Word mark	FORMA.AI
Design mark	
Description of mark	NONE
Goods/services	Class 035. First use: First Use: Oct 2016 First Use In Commerce: Oct 2016 Business consultation services, namely, sales performance consultation in the field of reporting, modeling, analyzing, and improving programs for sales compensation, segmentation, sales territory design, quota management, revenue productivity, and benchmarking; Business collaboration services, namely, fostering knowledge sharing in the fields of sales performance management, sales compensation management, and technology selection Class 042. First use: First Use: Jan 2017 First Use In Commerce: Jan 2017 Software as a service (SAAS) services featuring software for sales performance and compensation management

U.S. application no.	97765724	Application date	01/24/2023
Registration date	NONE	Foreign priority date	NONE
Word mark	FORMA.AI		
Design mark			
Description of mark	NONE		
Goods/services	Class 041. First use: First Use: None First Use In Commerce: None Business education and training services, namely, training programs and coaching services in the field of sales compensation, segmentation, sales territory design, quota management, revenue productivity, and benchmarking; providing online non-downloadable publications in the field of sales performance management and technology selection; organizing educational events in the field of sales performance management and technology selection		

Attachments	2023.02.23 TTAB Notice of Opposition re FORMA (220428-00003; 00006) 4 877-7621-7682 v.2.pdf(2563120 bytes)
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Signature	/eber/
Name	Erica B. E. Rogers, Associate Attorney
Date	02/23/2023

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Application Serial No. 97268559

For the mark: FORMA

Published: January 24, 2023

FORMA AI INC.,	:	
	:	
Opposer,	:	Opposition No.
	:	_____
	:	
v.	:	
	:	
TWIC, INC.	:	
	:	
Applicant.	:	

NOTICE OF OPPOSITION

FORMA AI INC. ("Opposer"), a corporation organized and existing under the laws of Canada, with a principal place of business at 82 Peter Street, Suite 300, Toronto, Ontario, Canada M5V2G5, believes that it will be damaged by the issuance of a registration for the alleged mark FORMA shown in Application Serial No. 97268559. Opposer hereby opposes the same.

As grounds for opposition, Opposer alleges as follows:

1. Opposer is an international sales performance and management solutions company and leading provider of business consultation, business collaboration services, and software services in the field of sales performance and compensation management, including sales territory

design, quota management, employee loyalty, revenue productivity, and benchmarking practices ("Opposer's Services").

2. Opposer has used the FORMA.AI mark ("Opposer's Mark") in connection with Opposer's Services since at least as early as 2016, and in interstate commerce throughout the United States in relation to its business services and software platform since at least as early as October 2017 and September 2018, respectively.

3. As a result of its distinctiveness and longstanding, continuous use throughout the United States, Opposer owns valid and subsisting common law rights to Opposer's Mark, Opposer's Mark has become exclusively associated with Opposer, and Opposer's Mark represents substantial, valuable goodwill.

4. Opposer filed an application to register its exclusive rights in and to Opposer's Mark with the United States Patent and Trademark Office in connection with "business consultation services, namely, sales performance consultation in the field of reporting, modeling, analyzing, and improving programs for sales compensation, segmentation, sales territory design, quota management, revenue productivity, and benchmarking; business collaboration services, namely, fostering knowledge sharing in the fields of sales performance management, sales compensation management, and technology selection" in International Class 35 and "software as a service (SAAS) services featuring software for sales performance and compensation management" in International Class 42. Attached as Exhibit A is a true and correct printout from the United States Patent and Trademark Office electronic database showing the current status and title of Application Serial Number 97342791.

5. Opposer filed the intent-to-use application for Opposer's Mark with the United States Patent and Trademark Office in connection with "business education and training services, namely, training programs and coaching services in the field of sales compensation, segmentation, sales territory design, quota management, revenue productivity, and benchmarking; providing online non-downloadable publications in the field of sales performance management and technology selection; organizing educational events in the field of sales performance management and technology selection" in International Class 41. Attached as Exhibit B is a true and correct printout from the United States Patent and Trademark Office electronic database showing the current status and title of Application Serial Number 97765724.

6. Twic, Inc. ("Applicant"), a corporation organized and existing under the laws of Delaware, with a principal place of business at 47000 Warm Springs Blvd, Ste 1-170, Fremont, California filed the intent-to-use Application Serial Number 97268559 to register the proposed mark FORMA with design depicted below ("Applicant's Mark") for "software as a service (SAAS) services featuring computer software platforms for human resource professionals to offer personalized employee benefits, healthcare benefits, insurance benefits and lifestyle benefits to employees" ("Applicant's Services") in International Class 42.



7. On information and belief, no declaration of use of Applicant's Mark has been filed with the United States Patent and Trademark Office; however, Applicant commenced infringing use of Applicant's Mark for Applicant's Services on or around March 8, 2022.

8. Opposer's Mark has priority over Applicant's Mark because Opposer's first use of Opposer's Mark in the United States predates March 8, 2022 or any other alleged first use date on which the Applicant may rely on for purposes of priority.

9. Opposer has spent substantial amounts of time, money, and effort in developing, marketing, selling, and expanding upon Opposer's Services under Opposer's Mark internationally, and in the United States, specifically.

10. Applicant's Mark is confusingly similar in appearance, sound, and commercial impression to Opposer's Mark. The design element of Applicant's Mark or the ".AI" suffix of Opposer's Mark do not obviate the similarities between Applicant's Mark and Opposer's Mark because the shared "forma" literal element is dominant in Applicant's Mark and in Opposer's Mark.

11. Applicant's Services are highly related to Opposer's Services because, in part, Applicant's Services include a software platform with a benefits package function in the field of *employee* benefits management and Opposer's Services include a software platform with a rewards function in the field of *employee* performance and compensation management.

12. On information and belief, Applicant's Services are offered in the same channels of trade and to the same types of consumers as Opposer's Services. Applicant's Services include a software platform for use by human resource professionals and Opposer's Services include a software platform for use by human resource, sales, and finance professionals.

13. Because of the similarity of marks, services, relevant markets, advertising, channels of trade, consumers, and/or users of software platforms, there is a strong likelihood of confusion

if Applicant is permitted to register Applicant's Mark for use in conjunction with Applicant's Services.

14. Opposer has repeatedly provided Applicant with evidence of actual consumer confusion between Opposer's Mark and Applicant's Mark since at least as early as April 18, 2022.

15. Opposer is aware of at least eighteen (18) instances of actual consumer confusion, resulting from Applicant's decision to adopt Applicant's Mark. These instances of actual confusion include Applicant's customers, human resource professionals responsible for selecting benefit and compensation platforms, Opposer's competitor familiar with the industry and its software platforms, and, most recently, one of Applicant's own employees.

16. Any quality issues or defects with Applicant's Services would reflect poorly upon and injure Opposer's strong reputation in the marketplace.

17. Applicant's Mark should be denied registration because when used for Applicant's Services, it so resembles Opposer's Mark as to be likely to cause confusion, mistake, or deception, and as to be likely to dilute the distinctive quality of Opposer's Mark within the meaning of 15 U.S.C. § 1052(d).

18. Accordingly, Opposer respectfully requests that said Application Serial Number 97268559 be rejected and the registration of Applicant's Mark therein for Applicant's Services therein specified be refused and denied.

Date: February 23, 2023

Respectfully submitted,

WARD AND SMITH, P.A.



Erica B. E. Rogers
Angela P. Doughty
751 Corporate Center Drive, Suite 300
Post Office Box 33009
Raleigh, NC 27636-3009
UNITED STATES
trademarks@wardandsmith.com
Phone: 919-277-9100
Attorneys for Forma AI Inc.

ND:4877-7621-7682, v. 2

EXHIBIT A

Generated on: This page was generated by TSDR on 2023-02-23 10:12:07 EST

Mark: FORMA.AI

FORMA.AI

US Serial Number: 97342791

Application Filing Date: Apr. 01, 2022

Register: Principal

Mark Type: Service Mark

TM5 Common Status Descriptor:



LIVE/APPLICATION/Published for Opposition

A pending trademark application has been examined by the Office and has been published in a way that provides an opportunity for the public to oppose its registration.

Status: Application has been published for opposition. The opposition period begins on the date of publication.

Status Date: Feb. 21, 2023

Publication Date: Feb. 21, 2023

Mark Information

Mark Literal Elements: FORMA.AI

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((.)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Business consultation services, namely, sales performance consultation in the field of reporting, modeling, analyzing, and improving programs for sales compensation, segmentation, sales territory design, quota management, revenue productivity, and benchmarking; Business collaboration services, namely, fostering knowledge sharing in the fields of sales performance management, sales compensation management, and technology selection

International Class(es): 035 - Primary Class

U.S Class(es): 100, 101, 102

Class Status: ACTIVE

Basis: 1(a)

First Use: Oct. 2016

Use in Commerce: Oct. 2017

For: Software as a service (SAAS) services featuring software for sales performance and compensation management

International Class(es): 042 - Primary Class

U.S Class(es): 100, 101

Class Status: ACTIVE

Basis: 1(a)

First Use: Jan. 2017

Use in Commerce: Sep. 2018

Basis Information (Case Level)

Filed Use: Yes

Filed ITU: No

Filed 44D: No

Filed 44E: No

Filed 66A: No

Filed No Basis: No

Currently Use: Yes

Currently ITU: No

Currently 44E: No

Currently 66A: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: FORMA AI INC.

Owner Address: 82 Peter Street, Suite 300
Toronto, ON CANADA M5V2G5

Legal Entity Type: CORPORATION

State or Country CANADA
Where Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Angela P. Doughty

Docket Number: 220428-00002

Attorney Primary
Email Address: trademarks@wardandsmith.com

Attorney Email Yes
Authorized:

Correspondent

Correspondent
Name/Address: Angela P. Doughty
WARD AND SMITH, P.A.
POST OFFICE BOX 33009
751 CORPORATE CENTER DRIVE, SUITE 300
RALEIGH, NORTH CAROLINA UNITED STATES 27636-3009

Phone: 919-277-9100

Fax: 919-277-9177

Correspondent e-
mail: trademarks@wardandsmith.com

Correspondent e-
mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Feb. 21, 2023	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Feb. 21, 2023	PUBLISHED FOR OPPOSITION	
Feb. 01, 2023	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Jan. 19, 2023	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jan. 18, 2023	ASSIGNED TO EXAMINER	73362
Apr. 06, 2022	TEAS AMENDMENT ENTERED BEFORE ATTORNEY ASSIGNED	88889
Apr. 06, 2022	TEAS VOLUNTARY AMENDMENT RECEIVED	
Apr. 06, 2022	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED	
Apr. 05, 2022	NEW APPLICATION ENTERED	

TM Staff and Location Information

TM Staff Information

TM Attorney: MCMORROW, JANICE LEE

Law Office LAW OFFICE 115
Assigned:

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Jan. 19, 2023

EXHIBIT B

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Mark: FORMA.AI

FORMA.AI

US Serial Number: 97765724

Application Filing Date: Jan. 24, 2023

Register: Principal

Mark Type: Service Mark

TM5 Common Status
Descriptor:



LIVE/APPLICATION/Awaiting Examination

The trademark application has been accepted by the Office (has met the minimum filing requirements) and has not yet been assigned to an examiner.

Status: New application awaiting assignment to an examining attorney. [See current trademark processing wait times](#) for more information.

Status Date: Feb. 13, 2023

Mark Information

Mark Literal Elements: FORMA.AI

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis (..) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Business education and training services, namely, training programs and coaching services in the field of sales compensation, segmentation, sales territory design, quota management, revenue productivity, and benchmarking; providing online non-downloadable publications in the field of sales performance management and technology selection; organizing educational events in the field of sales performance management and technology selection

International Class(es): 041 - Primary Class

U.S Class(es): 100, 101, 107

Class Status: ACTIVE

Basis: 1(b)

Basis Information (Case Level)

Filed Use: No

Currently Use: No

Filed ITU: Yes

Currently ITU: Yes

Filed 44D: No

Currently 44E: No

Filed 44E: No

Currently 66A: No

Filed 66A: No

Currently No Basis: No

Filed No Basis: No

Current Owner(s) Information

Owner Name: FORMA AI INC.

Owner Address: 82 Peter Street, Suite 300
Toronto, ON CANADA M5V2G5

Legal Entity Type: CORPORATION

State or Country CANADA
Where Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Angela P. Doughty

Docket Number: 220428-00004

Attorney Primary trademarks@wardandsmith.com
Email Address:

Attorney Email Yes
Authorized:

Correspondent

Correspondent ANGELA P. DOUGHTY
Name/Address: WARD AND SMITH, P.A.
POST OFFICE BOX 33009
751 CORPORATE CENTER DRIVE, SUITE 300
RALEIGH, NORTH CAROLINA UNITED STATES 27636-3009

Phone: 919-277-9100

Fax: 919-277-9177

Correspondent e-mail: trademarks@wardandsmith.com

Correspondent e-mail Yes
Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Feb. 13, 2023	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED	
Jan. 27, 2023	NEW APPLICATION ENTERED	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: NEW APPLICATION PROCESSING

Date in Location: Feb. 13, 2023